Full Text: Harvey O'Connor, First to Take The Einstein Pledge, See Page 3

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McCarthy's Bluff, and Two Who Called It

McCarthy has been engaged in a bluff. Last week two witnesses—Harvey O'Connor and Leo Huberman—called him on it. The bluff is this: Congressional investigating committees are not the possessors of a universal writ. They may not inquire into any and everything. The subjects into which they may inquire are limited to those specified in the rule or resolution establishing the committee.

What is McCarthy authorized to investigate? He is chairman of the Senate Committee on Government Operations, known until last year as the Committee on Expenditures in the Executive Department. The old name indicates the true purpose and authority of this committee. It is a kind of super auditing body. Its name was changed last year but not its authority. It still operates under subsection (g) of Rule XXV of the Senate. This rule—the full text is reprinted on page two—gives McCarthy no authority to inquire into the political beliefs and associations even of persons employed by the government, much less of editors and writers not on the public payroll.

McCarthy's two competitors in the witch hunt may lay claim rightly or wrongly to broad powers of inquisition. Velde is chairman of the House Committee on "Un-American Activities", a term vague enough to cover any person or idea the committee may consider objectionable. Jenner's subcommittee of the Senate Judiciary Committee operates under as loose and sweeping a standard—its concern is with "internal security". But McCarthy's lawful province is with "budget and accounting measures" and with the effect of executive reorganizations. His broadest grant of investigating power is to study "the operation of government activities at all levels with a view to determining its economy and efficiency."

This can be stretched to cover the purchase of books for overseas libraries—to ask who bought them and why, even to inquire into their contents. But it gives him no authority to subpoena writers and editors and question them about their political beliefs and affiliations. James Wechsler of the *New York Post* submitted to a non-existent authority when he allowed himself to be interrogated by McCarthy and gave McCarthy a list of persons Wechsler had known as Communists. Cedric Belfrage and James Aronson of the *National Guardian* let themselves in for the usual smear-by-implication when they pleaded their privilege before McCarthy instead of challenging his authority.

Last week two well-known writers, O'Connor and Huberman, taking their cue from Einstein (see Einstein, Oxnam and the Witch Hunt in the *Weekly* for June 20) declined to plead self-incrimination and thereby challenged McCarthy to cite them for contempt. This was the first time since the case of the Hollywood Ten that writers have challenged the authority of a Congressional committee to inquire into political beliefs. Like the Hollywood Ten, O'Connor and Huberman pleaded the First Amendment in their refusals to answer. But the Hollywood Ten were before the House Un-American Activities Committee. These new challenges were to the more limited authority of the McCarthy committee. The two writers refused to answer questions not only on constitutional grounds —the fact that the First Amendment protects freedom of expression from restriction by Congress—but also on the ground that the questions were beyond the scope of the authority conferred by the Senate on McCarthy's committee.

O'Connor declined to answer any questions as to political beliefs and associations. We are reprinting the full text of his testimony on page 3 for its value as news, inspiration and example. The celerity with which McCarthy got the author of "Mellon's Millions" off the witness stand was eloquent.

Huberman in a prepared statement said he had never been a Communist but was a Marxist and Socialist who believed "in working together with others, including Communists, to the extent that their aims and methods are consistent with mine." Huberman said he was stating that much under oath "not because I concede the right of this Committee to ask for such information, but because I want to make it crystal clear that Communism is not an issue in this case and to focus attention on what *is* the issue—my right as an author and editor to pursue my occupation without interference from Congress or any of its committees." (The full text of Huberman's testimony will be published in the August issue of the *Monthly* Review, which he edits with Paul Sweezy.)

Huberman was asked over and over again by Mundt and McCarthy to explain how his views "deviated" from those of Communism. Huberman declined to answer and declined to invoke the Fifth, declaring himself ready for a judicial test of his right to resist inquisition into his political views. At the end Mundt covered the committee's retreat with a lengthy statement, suggesting that Huberman not be cited for contempt since he had (1) admitted authorship of his books and (2) said that he was not a Communist. This suggests that the committee is unwilling to venture a contempt proceeding against a writer who says he is not a Communist but refuses to answer other questions about his political beliefs or affiliations.

O'Connor's challenge had to be taken up or risk complete collapse of the McCarthy Committee's pretensions to indulge in ideological inquisition. The committee has voted to cite him for contempt. A majority vote of the Senate is needed to initiate a prosecution. Should O'Connor be indicted, the stage will be set for a fundamental battle against McCarthy and McCarthyism, in which every American who cares for freedom must support Harvey O'Connor.

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• *Editor and Publisher*, I. F. STONE

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Communique

Last week's special issue about the new McCarran bill was our biggest yet: 20,000 copies were printed—and, thanks to interested individuals and organizations—distributed. Enough of an alarm has been raised about the bill to make action on it by the House Judiciary Committee this session doubtful. But if Congress is still at it in August, there remains the danger that the bill might slip out onto the floor some hot night as it did in the Senate and pass. If it does, a lot of radicals will have a choice of turning informer or going to jail. The bill would virtually repeal the Fifth Amendment's privilege against self-incrimination by compelling testimony in return for a rather dubious promise of immunity from prosecution.

It is important that as many organizations as possible formally ask the House committee for a hearing before action is taken on the bill, since hearings alone would delay the measure enough to make passage impossible this session. The response so far to our bit of midsummer Paul Revering has been most gratifying and makes yours truly feel like a live, useful, crusading newspaperman again, not just a wee voice in a tempest.

This is a fight which can be won. The Attorney General dislikes the bill. The House committee seems dubious of it. What you and I do may turn the scales. We repeat: write your Congressman and alert your friends.

Accolade Apropos

A New York Times dispatch from Bonn last Monday on a rally for the formation of a new neo-Nazi party in Germany reports one speaker, Edward A. Fleckenstein, of Weehawken, N. J., "president of the Voters Alliance of Americans of German Descent . . . told the neo-Nazis that Germany's true friends in the United States were Senators Joseph McCarthy, Pat McCarran, Everett M. Dirksen and William E. Jenner. He denounced democracy as a glorification of mediocrity."

J. Edgar and Joe

Too little attention has been paid to the fact that after J. B. Matthews was ousted, McCarthy let it be known that he was conferring with J. Edgar Hoover on the problem of finding a successor. A few days after, Frank P. Carr resigned as supervisor of the FBI's New York office to become McCarthy's new staff director.

The effect was to give McCarthy some badly needed moral support and glamorous prestige at a very difficult moment in his career.

All this happened while McCarthy was smearing the CIA, the government's other civilian intelligence agency. There is an old rivalry between FBI and CIA, and newspapers which have friendly access to the FBI have several times published sensational "exposes" of the CIA. The friendly relations between McCarthy and J. Edgar Hoover represent a dangerous alliance for the Administration as for the country.

The FBI has a powerful position in the witch hunt. An ex-FBI man, Velde, is head of the House Un-American Activities Committee. Another will now be staff director for McCarthy. The kind of "unevaluated" material disclosed by the Coplon case in the FBI files is the kind of rubbish in which the witch hunters revel.

Is The G.O.P. Disloyal?

Congressman Robert L. Condon of California, defending himself in the House last week against the anonymous allegations which led the AEC to bar him from an atomic test in Nevada, presented some curious proofs of "loyalty." He cited his record in Congress and said his votes there had always placed "security above economy. I have voted," he said, "against every cut in appropriations for the Department of Defense. I believe that a strong Air Force is essential in this atomic age to protect our country, and I have voted to keep it strong."

The plea illustrates the way in which the anti-Red hysteria has made prisoners of the liberal Democrats; they dare not oppose the military lest this be taken as proof of subversive sympathy. But if voting against cuts in military appropriations and voting for a bigger Air Force is proof of loyalty, what of Condon's Republican colleagues in the House who recently voted to cut the Air Force budget? Are they less loyal?

And what about Charlie Wilson, that R—d from General Motors, who cut the Air Force by five billion dollars? And Eisenhower, who supported Wilson against the Air Force? Are they subversive?

H. Styles Marx

And while we're on the subject, it pains us to notice that Senator H. Styles Bridges, R., of New Hampshire, whom we had always regarded as stratospherically above suspicion, turned in a report last week-end criticizing the French for not using heavier income taxation.

Income taxes, as we have several times been reminded by DAR ladies and Westbrook Pegler, were advocated by Marx and Engels in the Communist Manifesto. "Taxation of the rich," the Bridges report says of the French fiscal system, "is on a primarily low level . . . income taxes represent only a small part of the country's revenue." This will please *Humanité no end, and just goes to show you can't* trust anybody anymore, except possibly an avowed Communist. At least, he might turn out to be an FBI man.

Full Text: McCarthy's Only Authority as Investigator

The powers of the standing committee of the Senate are established by Rule XXV of its "Standing Rules." These, as passed by the Senate, set forth the function and sphere of authority of each committee. A committee cannot lawfully go beyond them, and it cannot lawfully punish a man for contempt if he refuses to answer a question which is outside the limits of its authority. Here is the text of that portion of the rule which deals with the Committee on Government Operations headed by McCarthy:

"(g) (1) Committee on Government Operations, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the State and municipalities, and between the United States and international organizations of which the the United States is a member."

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Despite Rhee (and Dulles) The Odds Still Favor Peace

The Eisenhower Administration is as split over Korea as over the military budget. The Republican party politicians see in a firm truce their only hope of winning next year's Congressional elections and beginning to reduce taxes. The military bureaucracy, smarting from defeat in Korea, see in a firm truce the danger of further cuts in military spending.

The difference is that while the Republican majority in Congress controls the military budget, it does not control the situation in Korea. There the military have their hand on the vital levers. On Korea, as on the budget, Eisenhower stands with the party civilians. But lines of policy laid down by the White House can be distorted by those whose job it is to carry them out. The military are still hoping that something will turn up so they can try out their new atomic weapons in Korea. They dream of a new "end run" up the East coast of Korea, with victory on the Yalu.

The State Department is closer to the Pentagon in this than to the White House. Between the military and the diplomats, Rhee is encouraged to be obstreperous. In his TV report last week with Assistant Secretary Walter S. Robertson, Dulles exhibited at their fullest the rather nauseating talents which made him so valuable at Sullivan & Cromwell. "The Communists have been pretending," he said, "that there cannot be an armistice because the United Nations command does not guarantee the future conduct of the Republic of Korea. That is absurd. The proposed agreement does not guarantee the future conduct of any government." If it is being signed in good faith, it certainly guarantees that the future conduct of the governments signing it will conform to their promises.

Such oily evasions would have been unnecessary if Dulles and Robertson had any real assurances from Rhee. There were many at State Department and Pentagon last week who hoped the Chinese would break off the talks altogether rather than accept such humiliating swindles.

Some new desperate action by Rhee to prevent the signing of the truce would be welcomed. A rearguard action to prevent world settlement is being fought by Dulles and the American military. Their biggest windfall was the Beria affair in Moscow which indicates serious political instability in the new Soviet regime and helps discourage a big power conference. The effort here is to stave off solutions, whether in Germany or Korea. Some prefer drift because it is easier. Others prefer it from more sinister motives. Yet the odds still favor peace.

Full Text: Harvey O'Connor's Testimony

Mr. O'CONNOR: Mr. Chairman, may I make a brief statement?

The CHAIRMAN (Senator McCarthy): No. You will answer the question.

Mr. O'CONNOR: About my objection to the jurisdiction of this committee?

The CHAIRMAN: Yes, you may make a statement on that.

Mr. O'CONNOR: Thank you.

Under the First Amendment to the Constitution, my writings, my books, and my political opinions are of no legitimate concern to this committee. If I have violated any laws in the writings that I have written, that is a proper concern for the law enforcement agencies and not the proper concern of this committee.

The CHAIRMAN: Will you get nearer to the microphone, Mr. O'Connor, so that we can hear you?

Mr. O'CONNOR: My second point would be that this committee has no right to inquire into my writings, under the point of the constitutional limitations on the powers of Congress and its committees. I might say in that regard that I have not known until this moment that my books were in overseas libraries, and most certainly I had nothing whatever to do with their selection there.

In the third place, I would object to the authority of the committee, under the statute by which it was created by Congress, to inquire into my writings or my political views.

The CHAIRMAN: Just for your information, Mr. O'Connor, we are not concerned with any political views of yours. We would not be concerned about your writings. You are entitled to write whatever you care to write. Any American or anyone else is entitled to purchase your book, your writings. You are here this morning because your writings were purchased by the old Acheson State Department, distributed throughout the world, ostensibly for the purpose of fighting Communism. Now, when the taxpayers pay for your books, when the royalties of your books, paid by the taxpawer, go into the Communist coffers, then this committee is concerned with that. For that reason, I again ask you the question: At the time you wrote the books which were purchased with taxpayers' money and put in our information libraries throughout the world, at that time were you a member of the Communist conspiracy?

Mr. O'CONNOR: I object to the question on the three grounds I have already stated.

The CHAIRMAN: You can object. Now you will answer, unless you feel that the answer will tend to incriminate you.

Mr. O'CONNOR: I do not feel that the answer will tend to incriminate me.

The CHAIRMAN: Then you are ordered to answer.

Mr. O'CONNOR: I have already answered.

The CHAIRMAN: I apparently did not hear your answer, then. You are ordered to answer whether or not you were a member of the Communist party.

Mr. O'CONNOR: On the three grounds I have stated, I have declined to answer.

The CHAIRMAN: Let us have the record clear, so that we will know what you have declined to answer. I will repeat the question. At the time you wrote the books which were purchased by the old Acheson State Department and distributed in our information centers, were you a member of the Communist conspiracy?

Mr. O'CONNOR: My political affiliations or lack of political affiliations are no legitimate concern of this committee.

The CHAIRMAN: Do you refuse to answer?

Mr. O'CONNOR: Apparently.

The CHAIRMAN: Not "apparently". Do you refuse to answer?

Mr. O'CONNOR: I refuse to answer.

The CHAIRMAN: You are refusing on the ground that the answer might tend to incriminate you?

Mr. O'CONNOR: I am not asserting the privilege against self-incrimination.

The CHAIRMAN: You are not asserting the privilege against self-incrimination. All right. You may step down.

Incidentally, I think Senator Mundt wishes that a meeting of the subcommittee be called to have this man immediately cited for contempt. I will call a meeting of the subcommittee at the earliest convenience for that purpose.

Your other witness, Mr. Cohn?

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JENNINGS PERRY'S PAGE

Free Groceries Find Takers Anywhere on Earth

By now, the first of our ships rushing vittles to the hungry East Germans should be well out on the seas. And whether or not this $15,000,000 worth of flour, lard, dried milk and beans, or any part of it, ever finds its way through the Curtain to the hungry East Germans they and we already have reaped substantial satisfactions from our shrewd humanitarianism.

Shamed by our charity and, according to the wires, "infuriated" by our enterprise the Reds have begun flooding the East German food shops with butter and fish and have taken potatoes off of rationing for the first time in years. This is the kind of competition among social systems all must applaud. Using calories instead of cannon.

On our side, all in being kind to others, we have gotten rid of some of our embarrassing surpluses, made loads for our shipping and perhaps put up the market a point or two. Such incidental returns can be counted, of course, irrespective of whether any hungry East German gets to savor the flavor of a single powdered American egg. The same is true of the fun we have had of the whole thing up to now, the spiritual lift given by the cleverness of our idea, which we have run to point out to each other and which, having been *felt* to the full, cannot really be reclaimed from us now by any course events may take.

It would be indelicate to say that we have gloated at the reports of famine in East Germany which provided the opportunity for the dramatic stroke "designed to seize the initiative at a time when Russia is torn by strife in the Kremlin itself and facing bitter unrest in the satellite countries." Our sympathies at the man to man level could not have been entirely untouched. The gift without the giver still is bare, and though our native practicality may have suggested to us that here was too good a chance of seizing the initiative to miss, our great heart would have insisted that feeding the hungry was the nobler aim.

That was why we could chortle with a clear conscience when West Berlin Borough Mayor Willi Kressmann set up his rolling groceries at the border to dispense spuds and fruit and milk to east burghers flocking through the Curtain to shop with him. It was so obvious a relief measure not to have been thought of before, and the instant success of it proved (1) that the East Germans were indeed hungry and (2) that despite Moscow's red-faced rejection of our President's gracious offer of shiploads of produce there was a way of succoring the suffering.

In showering our compliments upon the kindly and ingenuous Mayor, who displayed his wares at one-fifth the going prices across the border, it hardly seemed loyal or necessary to reflect that the same bargain set up in any American street would exert the same pull upon the regular customers of any homeside store, no matter how well-stocked its own shelves and bins. The comforting inference we drew instead was that if Mayor Kressmann could attract thousands of East Germans over the line merely by slashing prices, we surely, by spreading out our $15,000,000 worth of flour, butter, eggs, soybeans, etc., *free* should be able to bring tens of thousands over.

It ought to work out this way in Berlin since undoubtedly it would work out similarly anywhere else in the world. A trainload of alfalfa hay tendered for free in drouth-stricken Texas would find eager takers; but the same hay tendered for free in Bucks County, Pennsylvania, where the pastures are lush, would find eager takers, too. The hitch is, and I think we should be aware of it in our charming new move to feed the hungry and seize the initiative, that the willingness of a population to rush for free goods neither proves its acute want nor assures its common gratitude.

This fact invites us to hedge a little the delights we anticipate, and have already begun to enjoy, as a result of our undertaking to get food to the hungry East Germans. The more we are prone to regard our effort as a game of tricks or treats, the faster our disappointment may be when our stuff shall have passed over the border. But if we can forget the cold war for a minute, it should be sufficiently gratifying to us that we have an excess of stores in our larder to pass on to fellow beings for the sole reason that we believe they have room in their bellies for it.

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